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May 20, 2005

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Circumferential Transportation
Improvements in the Urban Ring
Corridor - Phase 2
PROJECT MUNICIPALITIES : Boston, Brookline, Cambridge,
Chelsea, Everett, Medford and
Somerville
PROJECT WATERSHEDS : Charles, Boston Harbor (Mystic), and
North Coastal
EOEA NUMBER : 12565
PROJECT PROPONENT : Massachusetts Bay Transportation
Authority
DATE NOTICED IN MONITOR : December 8, 2004

As Secretary of Environmental Affairs, I hereby determine that the Phase 2 Draft Environmental Impact Report (DEIR) submitted for this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (MEPA) (G. L. c. 30, ss. 61-62H) and its implementing regulations (301 CMR 11.00). This finding is conditioned upon the submission of a Notice of Project Change (NPC) by September 1, 2005, describing proposed changes to the Special Review Procedure (SRP), with the intent of reestablishing coordinated review of the Urban Ring project under both the Massachusetts Environmental Policy Act (MEPA) and the National Environmental Policy Act (NEPA). The specific requirements for submission of the NPC are discussed on pp. 5-6 of this Certificate.

Project Description

The proposed Urban Ring project, which is located in the municipalities of Boston, Brookline, Cambridge, Chelsea, Everett, Medford and Somerville, would construct Bus Rapid Transit (BRT) facilities along a circumferential corridor encircling downtown Boston, and new and improved commuter rail stations connecting to the BRT service.

The proposed BRT facilities would provide a combination of exclusive busways and bus-only lanes, and where in mixed traffic, would incorporate signal priority for buses. The busways and bus-only lanes would be constructed primarily along active and inactive rail corridors and along transportation easements and corridors reserved for such purposes. Facilities would include up to 43 BRT stations with sheltered platforms, passenger information displays, and other amenities. Three of the commuter rail stations to be constructed are new and three others will be expansions of existing commuter rail stations.

Phase 1 of the Urban Ring project entails Transportation Systems Management, consisting of modifications to existing bus routes, improved Cross-Town (CT) and Express (EC) bus service, bus maintenance facility modifications, and acquisition of Compressed Natural Gas (CNG) 40-foot buses. Phase 1 was originally scheduled for implementation in 2001-2005 and received a Phase 1 Waiver from environmental review under MEPA.

Phase 2, which is the subject of the Draft Environmental Impact Report (DEIR) currently under review, entails the construction and implementation of new BRT routes and new and improved Commuter Rail (CR) stations along the route of the Urban Ring. A fleet of BRT buses will be purchased and additional BRT vehicle maintenance capacity will be provided. The bus routes from Phase 1 will continue where they are not redundant to BRT service. The BRT routes will operate at frequencies comparable to existing rapid transit lines. The Locally Preferred Alternative for Phase 2 consists of the following specific elements:

- 7 Bus Rapid Transit (BRT) routes;
- 6 Cross-Town (CT) routes;

- 1 Express route;
- 38 BRT stations;
- 8 Commuter Rail connections; and
- 18 Rapid Transit connections.

In Phase 3, rail service would be implemented in the most heavily traveled portion of the Urban Ring corridor, between Sullivan Square and Dudley Square. A fleet of electric-powered rail transit vehicles would be purchased, and additional rail transit vehicle maintenance capacity would be provided. With the possible exception of one BRT route, all of the Phase 2 BRT services and new and improved commuter rail connections implemented as part of Phase 2 would continue to be utilized.

MEPA History

The Urban Ring project was the subject of an Environmental Notification Form (ENF) in September, 2001. On November 9, 2001A Certificate on the ENF was issued, that required the preparation of an Environmental Impact Report, as well as a Certificate Establishing a Special Review Procedure. The SRP was deemed necessary due to the complexity and phased implementation of this long-term project. The SRP included the establishment of a Citizens Advisory Committee (CAC) representing the Urban Ring Compact Communities, institutions, and other key stakeholders in the Urban Ring corridor.

Response to the DEIR

The comments submitted in response to the DEIR overwhelmingly endorsed the concept of the Urban Ring and noted that the DEIR does an admirable job of analyzing the many benefits that circumferential transit improvements would provide and justifies the need for these improvements. It is clear that the Urban Ring would serve a large population of existing and potential riders, increase the effectiveness of the transit system, and provide significant economic and environmental benefits, including:

- increased transit ridership and better service;
- improved access to jobs and health care services;
- environmental justice;

- economic development;
- improved air quality; and
- advancement of smart growth objectives.

Comments submitted in response to the DEIR indicate strong support for the Urban Ring project, particularly among major institutions and employers in the corridor. As stated by the Urban Ring Citizens Advisory Committee (CAC) in its comments:

"The Draft EIR has demonstrated that the Urban Ring could be one of the most beneficial transportation projects within the Boston region. First, it has major transit system benefits. It makes the largest contribution to increased regional transit mode share of any project currently in planning. Of particular note, it greatly increases the effectiveness of the commuter rail system by giving passengers connections to their employment destinations not now accessible by transit. Equally significantly, it directly improves the functionality of the present rapid transit system by decongesting the core portions of the Red and Green Lines, which have reached peak hour capacity. In addition, the DEIR demonstrates the importance of the project to the residents of the communities along the corridor, and particularly to minority and low-income residents."

Because of the benefits of the project, many commenters noted the need for an implementation strategy, including a reconsideration of project phasing and an exploration of costs and funding mechanisms. The MBTA should work to develop this strategy because municipalities in the Urban Ring corridor have established plans and permitted projects that would rely on the project (most significantly, the North Point project in Cambridge, which will accommodate both the relocated Green Line Station and the future Lechmere Urban Ring Station), and the urgent need to secure necessary rights-of-way, most notably the CSX right-of-way in Chelsea and East Boston.

Many commenters also noted the need to study alternative routing, in addition to the Locally Preferred Alternative (Preferred Alternative) presented in the DEIR. Several segments

of the Preferred Alternative were cited as inadequate to serve the corridor either because the quality of transit service would be insufficient, or because of adverse impacts, or both. Many commenters urged the MBTA to work to implement Phases 1 and 2 as soon as practicable, but requested that where the Preferred Alternative does not appear to be adequate, that new alternatives be developed (including alternate surface routing and transit tunnels) or that elements of Phase 3 be advanced.

Finally, many commenters were concerned that the DEIR had been submitted separate from the Draft Environmental Impact Statement (DEIS), as required by the Certificate Establishing a Special Review Procedure of November 9, 2001, and lacking in some elements required for a DEIS, including analyses of feasibility, cost, ridership, and other criteria that would inform an implementation strategy.

Proposed Modification to the Special Review Procedure

In a letter dated May 18, 2005, and attached as an addendum to this Certificate, the MBTA indicates its desire to reestablish coordinated environmental review of the Urban Ring Project under both MEPA and NEPA. In order to achieve this outcome, the MBTA agrees to file a Notice of Project Change (NPC) by September 1, 2005 to modify the existing Special Review Procedure established in the Certificate of November 9, 2001. I am allowing the MBTA to submit the NPC using a letter format rather than the standard NPC form.

As agreed, the NPC should seek the following modifications to the Special Review Procedure. First, it should describe efforts to reestablish coordinated review of the project under MEPA and NEPA we would re-link the documentation required for review under MEPA and NEPA. I note that the MBTA has committed to a joint filing of the Draft Environmental Impact Statement (EIS) with a Revised Draft Environmental Impact Report (Revised DEIR), which would respond to the comments received during the DEIR public review process. Second, the NPC should propose new filing dates for the Revised DEIR/DEIS and the Final EIR/Final EIS for Phase 2, as well as the DEIR/SEIS for Phase 3. Finally, the NPC should describe proposed changes to the membership of the Citizens Advisory Committee (CAC) in order to open up the

public process to neighborhood organizations, institutions and advocacy groups that have expressed interest in participating. The MBTA should ensure that the CAC is involved in the preparation of the NPC prior to its submission.

SCOPE

The following is the scope of required elements of the Revised DEIR, which will be submitted in conjunction with the submission of the DEIS to FTA for review under NEPA.

General

The Revised DEIR should follow the general guidance for outline and content contained in Section 11.07 of the MEPA regulations, as modified by this Scope. The Revised DEIR should include a copy of this Certificate and a copy of each comment letter received. The proponent should circulate the Revised DEIR to those parties who commented on the ENF, to any state agencies from which the proponent will seek permits or approvals, and to any parties specified in Section 11.16 of the MEPA regulations. A copy of the Revised DEIR should be made available to all public libraries in the Urban Ring Compact communities. In addition, I strongly encourage the MBTA to conduct extensive public outreach in its notification of the availability of the Revised DEIR for public review and comment, particularly in environmental justice communities.

Project Phasing

The Revised DEIR should provide an update on efforts to implement Phase 1 and explain how the delay in progress would affect the implementation of Phase 2. Likewise, the Revised DEIR should demonstrate that the implementation of Phase 2 would not adversely affect the implementation of Phase 3. I strongly encourage the MBTA to work towards implementing Phase 1 and to reconsider the phasing of the project to advance certain elements of Phase 3, which is proposed to use dedicated rights-of-way to provide heavy rail, light rail, BRT or some combination of these modes and would engender greater support for the Urban Ring concept as a whole than the implementation of Phase 2, which would rely heavily on buses in mixed traffic.

Project Alternatives

The DEIR has demonstrated that there are segments of the Urban Ring where BRT could be very successful operating at grade in either exclusive bus lanes or busways, and in some cases, in short segments operating in mixed traffic. However, there are certain segments where alignment issues need to be resolved or where alternative strategies need to be explored, including the possibility of constructing tunnel segments.

Many commenters, particularly those in the Fenway and Longwood Medical Area (LMA), expressed concerns about the impacts of proposed BRT infrastructure on institutional property and the historic Emerald Necklace parks and parkways. The DEIR may have underestimated the impacts on traffic operations of BRT vehicles operating in mixed traffic or in dedicated bus lanes. In mixed traffic, BRT vehicles would likely contribute to delays and degraded levels of service at intersections along the proposed Urban Ring route. Consequently, the DEIR may have overestimated travel time and ridership benefits of BRT vehicles operating in mixed traffic, where they would contribute to existing high levels of congestion, or in bus-only lanes, where enforcement may be an issue. The Revised DEIR should provide additional analyses of traffic operations, impacts to pedestrians and bicyclists, and visual impacts of the proposed routing of Urban Ring buses. This analysis should carefully consider the numerous comments and suggestions received.

The Revised DEIR should fully analyze the impacts of implementing the Urban Ring along segments of the Preferred Alternative route and explore the feasibility of the variants suggested by many commenters. In particular, the Revised DEIR should evaluate other options for the proposed surface routing of buses on The Fenway, Ruggles Street, Longwood Avenue, and Avenue Louis Pasteur. The Revised DEIR should also reassess proposed bus routing along Park Drive, Mountfort Street, and Commonwealth Avenue, considering potential impacts to the Cottage Farm neighborhood in Brookline, and reevaluate Charles River crossing options other than the Boston University Bridge. The surface roadway variants suggested by commenters may better address the corridor's service needs and minimize potential impacts and I strongly encourage the MBTA to consider them.

Collectively, though, the issues raised by many commenters regarding the proposed routing through the Fenway and LMA raise serious questions about the feasibility of providing BRT service on congested city streets. Therefore, a final decision on routing should be made only after comparing a surface BRT system with a tunnel that would remove buses from surface streets. The Revised DEIR should evaluate the feasibility of constructing portions of the Urban Ring in tunnels, particularly in the Fenway and Longwood Medical Area (LMA) from the vicinity of Ruggles Station to Yawkey Station and as a means of crossing the Charles River.

The Revised DEIR should address the concerns of the City of Cambridge and the Massachusetts Institute of Technology (MIT) regarding proposed routing along the Grand Junction corridor, traffic circulation in the Lower Cambridgeport area, and proposed routing and necessary right-of-way takings in the Kendall Square/Main Street area. The Revised DEIR should also identify improved interfaces/connections with new Lechmere Station, the North Point development, proposed Green Line extension options, and Harvard University's Allston-Brighton Initiative.

The Revised DEIR should re-examine the impacts of access to and circulation in the Boston Medical Center/Biosquare area, with routing other than through the Massachusetts Avenue Connector and the South Boston Haul Road/South Boston By-Pass Road (SBHR/SBBR), as well as access and circulation of all buses in the Ruggles Station bus loop and ramps. At the urging of the City of Chelsea, the Revised DEIR should also reconsider routing the Urban Ring along the Griffin Way variant (Variant 2A).

The DEIR noted that, in order to accommodate the proposed new commuter rail stations, existing commuter rail stations may be closed or consolidated. Closing an existing station should be considered only after careful evaluation of all relevant factors. In its comments, the City of Malden expressed its opposition to the proposed closure of the Malden Center Commuter rail Station. The Revised DEIR should reconsider any proposed commuter rail station closures and present alternatives to station closures such as greater use of express trains.

The Revised DEIR should evaluate the feasibility of constructing a new commuter rail station in Allston on the Worcester/ Framingham Line, as well as transit services from a station located in Allston to Yawkey and Back Bay Stations. In general, the Revised DEIR should re-examine the costs and benefits and associated service impacts of any proposed new commuter rail stations on a case-by-case basis.

In light of any proposed routing changes, the Revised DEIR should also address the following items:

- Consider restructuring the existing network of private and public bus routes to achieve greater cost efficiencies and reduce congestion;
- Reexamine the choice of vehicle technology in light of the ongoing MBTA test program;
- Evaluate potential improvements to bicycle access and circulation in the Urban Ring corridor;
- Update new ridership projections;
- Provide revised estimates of capital and operating costs;
- Evaluate potential funding sources, including joint development opportunities, and develop a financial plan sufficient to satisfy DEIS requirements.

Institutional Impacts

The DEIR did not fully address potential impacts from moving metal, electro-magnetic fields and vibration, particularly in areas with a high density of medical, academic, research and cultural institutions, particularly in the vicinity of the Fenway, LMA, and MIT. An analysis of these potential impacts and measures to avoid, minimize or mitigate them must be completed before alternative routes can be selected. This analysis should be based on a set of uniformly applied criteria in order to determine the feasibility of mitigating potential impacts. The Revised DEIR should present the results of this analysis and commit to appropriate mitigation measures.

Transportation*Right-of-Way Preservation*

The MBTA should continue to work diligently in its railroad right-of-way (ROW) procurement efforts throughout the environmental review process in order to preserve the necessary infrastructure to complete Phases 2 and 3. ROW procurement is critical in order to link the Phase 2 project to the commuter rail system and to fully implement Phase 3. Dedicated busways for Phase 2 are superior to bus-only lanes in mixed traffic. The success of the BRT system, in terms of increased ridership and air quality benefits, hinges on dependable service and schedule adherence. Without this ROW procurement, the goals of maximizing system-wide transit ridership and achieving air quality benefits will likely not be met.

The Revised DEIR should report on the status of ROW acquisition for the project, particularly for the CSX ROW in Chelsea and East Boston. The Preferred Alternative for the Urban Ring project proposes to use a portion of the CSX ROW, which the owner will sell if it is not purchased by the Commonwealth soon. It is critical that this key piece of the proposed Urban Ring route is preserved for transportation use. Sale of the ROW would severely hinder development of the Urban Ring and increase the cost of future land acquisition.

South Boston Haul Road/South Boston Bypass Road

The DEIR states that continued availability of the South Boston Haul Road (SBHR) as a transit route following completion of the CA/T Project is crucial to the Urban Ring; that it is recommended that the Urban Ring buses be allowed to use the SBHR; and that the Urban Ring project would not affect freight movement on the SBHR.

The SBHR was opened in September 1993 primarily as a truck route, built by the Central Artery (CA/T) Project as an early Project construction mitigation measure to remove construction vehicles and other trucks from South Boston streets. In 1990, the SBHR was extended to become the South Boston Bypass Road (SBBR). The proper reference to this roadway is to the SBBR. The SBBR, I-93 northbound, and I-93 southbound, along with their access ramps, are part of the Metropolitan Highway System.

The DEIR indicates that the SBBR currently is used by CA/T construction vehicles and by MBTA buses and taxis. The use of the SBBR by MBTA buses and taxis has been approved only as a temporary measure during CA/T construction. Vehicles with commercial license plates will continue to be allowed on the SBBR. Overall, the primary objective of the SBBR roadway use policy is to attract authorized vehicles to the SBBR, thereby diverting them from the local streets of South Boston. Upon completion of the CA/T project, the SBBR would not be open to general traffic and high-occupancy vehicles (HOVs), such as taxis and buses, with the exception of MBTA buses with no passengers accessing Cabot Yard and special buses for the Children's Museum.

Because use of the SBBR is limited to designated vehicle classes and the roadway is under the control of MassPike, the MBTA will need to obtain MassPike's approval to add Urban Ring vehicles as an additional vehicle class authorized to use the SBBR. Furthermore, in order for MassPike to allow this change in use, MassPike must request and obtain approval from the Federal Highway Administration (FHWA) for a functional change in a completed FHWA-funded facility. The request to FHWA must justify the proposed change in use, discussion alternatives, and evaluate environmental impacts. The Revised DEIR should provide this analysis as well, following the scope outlined by the Massachusetts Port Authority (MassPort) in its comments.

The MBTA must also coordinate such a proposed change in use with those entities that have shown an interest in the South Boston portion of the CA/T Project, as detailed in MassPike's comments. If approved by MassPike, the change in authorized use of the SBBR by Urban Ring buses would constitute a change to the CA/T Project. Therefore, I will require the MBTA to submit a separate Notice of Project Change (NPC) for the CA/T Project.

The DEIR states that "the proposed BRT (bus rapid transit) facilities would provide a combination of exclusive bus ways and bus-only lanes, and where in mixed traffic would incorporate signal priority for the buses." The Revised DEIR should explain what this means with respect to the SBBR and the TWT, given that the DEIR appears to show a designated Urban Ring busway on the SBBR as opposed to Urban Ring buses traveling in mixed traffic.

The DEIR concludes that traffic operations on the SBBR would not be adversely affected by the addition of Urban Ring vehicles. The Revised DEIR should include plans, assumptions and analysis that support this conclusion, including the proposed signal improvements and turning movements at the intersection of Richards Street with the SBBR, which would require the approval of and be controlled by MassPike.

The DEIR proposes an Urban Ring bus stop along the SBBR. From both a public safety and traffic standpoint, MassPike has serious concerns about whether a bus stop and/or BRT station can be accommodated on, or close by the SBBR. The Revised DEIR should provide more explicit information on this proposed bus stop, explain the traffic assumptions regarding its use, and discuss all access and operational parameters. I strongly urge the MBTA to work with MassPike to resolve these issues.

East Boston Haul Road/Chelsea Truck Route

The DEIR indicates that the Urban Ring would use a proposed East Boston Haul Road/Chelsea Truck Route along an abandoned railroad right-of-way (ROW). In its comments, MassPort states that if such a facility was to be developed, it would have use for it as a means of transporting airport employees to and from a remote parking facility located in Chelsea. The facility could also be potentially used by trucks and other buses, thereby relieving traffic congestion in East Boston. The Revised DEIR should provide the necessary capacity analyses to determine if shared use could be supported by this facility, thereby providing a unique opportunity to serve both public transportation and airport needs.

DCR Parkways

The Revised DEIR should also describe and analyze potential impacts to DCR parkways including the Fellsway, Revere Beach Parkway and Morrissey Boulevard and propose adequate and appropriate mitigation for these impacts. As discussed in greater detail in the Historic and Archeological Resources section below, I expect that the MBTA will coordinate closely with DCR in addressing these issues.

Air Quality

The DEIR evaluated the Baseline Alternative as compared to the proposed Locally Preferred Alternative (Preferred Alternative). The Baseline Alternative is the equivalent of a No-Build Condition and consists of the full Urban Ring Phase 1 network with the addition of eleven new or improved Cross-Town Bus routes and two Express Commuter Bus routes. The Preferred Alternative consists of a Bus Rapid Transit (BRT) system powered by compressed natural gas (CNG) throughout the Urban Ring corridor using a combination of dedicated busways and bus-only lanes along rail corridors and 43 new BRT stations. The analysis year for comparison of project alternatives is 2025. The DEIR indicates that the Preferred Alternative provides overall transportation and air quality benefits superior to the Baseline Alternative.

In its comments, DEP states that the comparative analysis adequately demonstrates that the project would conform to the Massachusetts State Implementation Plan (SIP) based on the project's inclusion in a conforming regional transportation plan. The Preferred Alternative will remove a total of 17,700 auto person trips from the regional transportation network and eliminate 176,900 vehicle miles traveled (VMT) compared with the Baseline alternative. As a result, the Preferred Alternative provides greater reductions of volatile organic compounds (VOC), particulate matter (PM10), and carbon monoxide (CO) emissions while contributing to a slight increase in nitrogen oxide (NOx) emissions, as compared to the Baseline Alternative. A microscale analysis using DEP-recommended procedures indicates that the Phase 2 project would not result in exceedances of the National or Massachusetts Ambient Air Quality Standards (N/MAAQS) for CO.

The DEIR addressed DEP's specific comments on the Expanded Environmental Notification Form (Expanded ENF) with the exception of providing a commitment for the retrofit of off-road diesel construction equipment and use of Low Sulfur Diesel Fuel. A commitment to a diesel retrofit program for this project is required pursuant to the Administrative Consent Order (ACO) between DEP and EOT. The Revised DEIR should include a clear commitment to implement a diesel retrofit program.

Historic and Archaeological Resources***Emerald Necklace Parkways***

The Metropolitan Parkway System is a significant historic resource listed on the National Register of Historic Places. The Executive Office of Environmental Affairs (EOEA) has recognized this significance through its creation of the Historic Parkways Initiative, an ambitious collaborative historic preservation effort to support the protection of parkways as historic landscapes, which are also protected under Article 97 of the Amendments to the State Constitution. The DEIR properly characterizes the DCR's parkways along the Urban Ring Corridor as parklands. However, the DEIR asserts that the Urban Ring project would result in minimal impacts to DCR parkways and open spaces and, therefore, proposes no mitigation. Moreover, the DEIR does not acknowledge that the parkways are historic resources protected under state and federal law. Careful planning must be undertaken to acknowledge the historic character of the parkways, their existing protections under state and federal law, and to prevent irrevocable damage to these historic resources. All treatment and management of our historic parkways must meet the Secretary of the Interior's Standards for the Treatment of Historic Properties, and will require additional consultation with the Massachusetts Historical Commission.

The Fenway, Park Drive and the adjacent Back Bay Fens are part of the Emerald Necklace Park System, which is listed on the National Register of Historic Places, and are designated as landmarks by the Boston Landmarks Commission. The Fenway and Park Drive are classified as pleasure roads where bus and truck traffic is prohibited, unless specifically permitted by DCR. The Urban Ring project proposes to operate 108 buses along the Fenway as well as alterations in the alignment of the roadway. The proposed change in traffic patterns (a contra-flow bus lane and revised jughandle on the Fenway, necessitating the taking of parkland) will result in a significant impact to the visual and historic character of both the parkway and the adjacent historic parkland of the Back Bay Fens. The Revised DEIR should explore all feasible alternatives before DCR would approve any plans to alter parkland and parkways in the Back Bay Fens.

The plans for the Urban Ring do not take into consideration the Muddy River Restoration Project. As a partner in one of the most ambitious and comprehensive landscape preservation projects in the nation, the Commonwealth has made an extraordinary commitment to the preservation of the Emerald Necklace Park and Parkway System by providing extensive technical and funding assistance. Both the volume of buses and the alteration proposed by the MBTA will significantly impact the successful implementation of the Muddy River Restoration Project and result in significant additional capital and operating expenses to be assumed by DCR. Given the Commonwealth's commitment to the preservation of the Emerald Necklace and its significant investment in the Muddy River Restoration Project, the MBTA should reconsider routing of Urban Ring buses along the Fenway and Park Drive.

The plans for the Urban Ring also do not consider the visual and historic character of the Charles River. As proposed, the crossings of the Charles River by BRT vehicles in mixed traffic require further analysis and description of the impact of such traffic upon this unique riparian corridor and surrounding communities. In its comments, MHC notes that the proposed alteration of a traffic island along Memorial Drive in Cambridge would affect a National Register-listed property within the Charles River Basin Historic District. The Revised DEIR should thoroughly address these issues.

In summary, the Revised DEIR should acknowledge these parkways as historic resources, provide further analysis and description of potential impacts to historic resources, and propose adequate and appropriate measures to mitigate these impacts, or conversely, propose alternate routes that would avoid or minimize adverse impacts to the visual and historic character of both the parkways and the adjacent historic parkland of the Back Bay Fens, as well as the Charles River. Several commenters requested that, in addition to alternate surface routes for BRT vehicle, the MBTA should consider the feasibility of constructing a transit tunnel(s) between Ruggles Station and Yawkey Station via the LMA and as a means of crossing the Charles River; I concur that the Revised DEIR should explore both of these alternatives. In addition, the Revised DEIR should consider the project's relation to the

successful implementation of the Muddy River Restoration Project. Finally, the Revised DEIR should address the Urban Ring project's significant additional operating, maintenance and capital costs to DCR if buses were to be routed along historic parkways.

Area of Potential Effect

In its comments, MHC states that the proposed area of potential effect (APE) on historic properties for the Urban Ring project as presented in the DEIR appears to be consistent with that which was proposed by the MBTA (a 100-foot corridor to include 50 feet on either side of the corridor's right-of way center line in areas where bus routes and stations are proposed, and a 200-foot corridor for the project alignment that would encompass abandoned rail corridors). MHC advised the MBTA and the FTA that in areas where construction of the BRT stations may occur, the APE may be wider or larger than 50 feet on either side of the right-of way. In these locations, the presence of historic resources should account for a wider APE.

The Revised DEIR should include a more comprehensive and detailed analysis of potential effects to historic properties. The DEIR indicates solely that there will be visual effects that may need to be mitigated and alignment issues that may need to be re-examined in order to avoid or mitigate effects. Although The DEIR summarizes the likely effects to historic properties, the Revised DEIR should include comprehensive maps that depict the proposed stations, bus maintenance facilities, platforms, geometric roadway improvements and routes, as well as adjacent historic properties. Furthermore, the Revised DEIR should include architectural reconnaissance information described by MHC in its comments. Where impacts are likely to be physical and visual in nature, the Revised DEIR should provide detailed project plans and information. I encourage the MBTA to consult with MHC and to consider design alternatives that respond directly to the contexts which contain historic properties.

Archeological Resources

The DEIR notes that limited portions of the project area of potential effect are considered to be archaeologically sensitive, and proposes that additional archaeological investigations will be conducted for these areas. MHC will

review the final reconnaissance survey archaeological report to offer more specific recommendations for which portions of the project area of potential effect may require systematic archaeological testing as part of an intensive (locational) archaeological survey. The Revised DEIR should include a summary of consultations with MHC and progress achieved on this issue.

Wetlands, Waterways and Tidelands

The DEIR indicates that constructing the Locally Preferred Alternative (Preferred Alternative) will not result in direct impacts to any federal or state jurisdictional wetlands, including the 25-foot Riverfront Area. The DEIR also notes that all proposed Preferred Alternative facilities would be located beyond the 100-foot buffer zone of regulated wetland resource areas. If the MBTA wishes to move forward with plans to alter the intersection of the Fenway and Brookline Avenue by constructing a turning lane, the Revised DEIR should elaborate on whether its proximity to the Muddy River would result in any impacts to wetlands or buffer zones and its potential impact on the proposed culvert under Brookline Avenue that will be constructed as part of the Muddy River Restoration Project=.

The DEIR indicates that the Urban Ring corridor includes areas that are adjacent to existing infrastructure crossing facilities that may be within Chapter 91 jurisdictional areas, and that a more detailed determination of Chapter 91 jurisdiction will be conducted as the project design progresses. The Revised DEIR should provide an update regarding potential activities within Chapter 91 jurisdictional boundaries, including a discussion of potential impacts to water-dependent industrial uses in the Chelsea Creek Designated Port Area (DPA).

Stormwater Management

The DEIR states that stormwater management systems will be provided along railroad corridor busways where practicable, that additional volumes of stormwater may be discharged to municipal and DCR drainage systems, and that Best Management Practices (BMPs) will be implemented if required. The Revised DEIR should provide a detailed discussion of stormwater management for

proposed roadway alterations as well as an update on municipal and DCR permitting requirements. The Revised DEIR should also provide detailed information on the drainage system for the existing MBTA maintenance facility and its capacity to handle and treat stormwater flows from the North Point viaduct, including estimates of flow. The Revised DEIR should discuss the adequacy of using existing trackside drainage systems for proposed busways along rail corridors and explain why 80 percent removal of Total Suspended Solids (TSS) is not feasible for the proposed busways.

Water and Sewer Infrastructure

The Revised DEIR should summarize any potential impacts of the Urban Ring project on water distribution sections owned by the Massachusetts Water resources Authority (MWRA), listed in its comment letter, and report on any consultations with the MWRA.

The Revised DEIR should summarize any potential impacts to municipal water and sewer infrastructure and report on any consultations with municipal water and sewer commissions.

Hazardous Materials

As noted in the DEIR, the MBTA intends to use the services of a License Site Professional (LSP) to manage activities in and around the numerous 21E sites known to exist within the Urban Ring Phase 2 corridor. Proposed measures include developing a soil pre-characterization program, formulating a formal health and safety plan, and developing a contaminated soil and groundwater management plan. The Revised DEIR should report on any progress that has been made in developing these measures. Also, in comments submitted in response to the Expanded ENF, DEP recommended that the MBTA consider combining the numerous 21E sites using the single Special Project Designation provisions outlined under 21E and the Massachusetts Contingency Plan (MCP). The MBTA should discuss whether it intends to adopt this recommendation in the Revised DEIR.

Responses to Comments and Circulation

At a minimum, the Revised DEIR should respond to the concerns raised in the comment letters to the extent that they are within MEPA jurisdiction. The Revised DEIR should include a copy of each comment letter submitted and respond to each substantive comment. The MBTA should circulate a hard copy of the Revised DEIR to each federal, state and local agency from which permits or approvals will be sought.

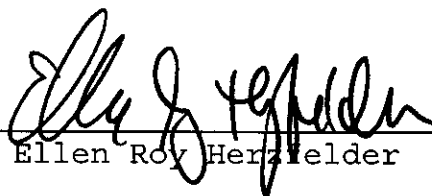
To save paper and other resources, I will allow the MBTA to circulate the Revised DEIR in CD-ROM format, although the MBTA should make available a reasonable number of hard copies available on a first-come, first-served basis to accommodate those without convenient access to a computer. In the interest of broad public dissemination of information, I encourage the MBTA to send a notice of availability of the Revised DEIR (including relevant comment deadlines, locations where hard copies may be reviewed and electronic copies obtained, and appropriate addresses) to those who submitted comment letters.

Mitigation

The Revised DEIR should include a summary of all mitigation measures to which the MBTA has committed to implementing. The Revised DEIR should also include revised draft Section 61 Findings for use by the state permitting agencies.

May 20, 2005

Date


Ellen Roy Hertzfelder

Addendum: MBTA letter (5/18/05)

ERH/RAB/rab

Comments Received:

05/16/05 Boston University
04/08/05 Massachusetts Turnpike Authority
04/07/05 Boston Parks and Recreation Department
04/06/05 Boston Harbor Association
04/06/05 City of Cambridge
04/05/05 Department of Environmental Protection Northeast
Regional Office
04/05/05 Boston Environment Department
04/05/05 Boston Transportation Department
04/04/05 Metropolitan Area Planning Council
04/04/05 Chelsea T Riders Union
04/04/05 John Kyper
04/04/05 Alison Pultinas
04/04/05 John Kyper
04/01/05 Adaptive Environments
04/01/05 Sean Bender
04/01/05 Beth Israel Deaconess Medical Center
04/01/05 Boston Redevelopment Authority
04/01/05 Boston Transportation Department
04/01/05 Conservation Law Foundation
04/01/05 Matilda Drayton
04/01/05 Sarah Freeman
04/01/05 Massachusetts Port Authority
04/01/05 Arshag Mazmanian
04/01/05 On the Move
04/01/05 Partners HealthCare
04/01/05 Sierra Club
04/01/05 Wentworth Institute of Technology
03/31/05 Charles River Watershed Association
03/31/05 Maggie Cohn
03/31/05 Emmanuel College
03/31/05 Massachusetts Institute of Technology
03/31/05 Arshag Mazmanian
03/31/05 Mission Hill Neighborhood Housing Services
03/31/05 Marilyn Wellons
03/29/05 Emerald Necklace Conservancy
03/29/05 Gloria Murray
03/25/05 Boston Water and Sewer Commission
03/25/05 Boston Freight Terminals
03/23/05 Chelsea Department of Planning and Development

03/23/05 Emerald Necklace Citizens Advisory Committee
03/23/05 Isabella Stewart Gardner Museum
03/23/05 Massachusetts College of Art
03/23/05 Massachusetts Historical Commission
03/21/05 Annunciation Greek Orthodox Cathedral of New England
03/21/05 Brookline Board of Selectmen
03/21/05 Cottage Farm Neighborhood Association
03/21/05 CBR Institute for Biomedical Research
03/21/05 Inner Core Committee
03/21/05 Judge Baker Children's Center
03/21/05 Robert LaTremouille
03/21/05 Anne McKinnon
03/21/05 Arshag Mazmanian
03/21/05 Winsor School
03/18/05 George Bailey, MBTA Advisory Board
03/18/05 Susan DeLong
03/18/05 Harvard University
03/18/05 Mayor Richard C. Howard, City of Malden
03/18/05 Shepley Bulfinch Richardson & Abbott
03/16/05 Fenway Alliance
03/16/05 Karen Wepsic
03/15/05 City Councilor Michael P. Ross
03/11/05 Northeastern University
03/09/05 Children's Hospital Boston
03/04/05 Dana Farber Cancer Institute
03/01/05 Massachusetts Academic and Scientific Community
Organization, Inc.
02/24/05 Fenway Civic Association
02/16/05 Massachusetts Office of Coastal Zone Management
02/16/05 Stephen H. Kaiser
02/15/05 Urban Ring Citizens Advisory Committee
01/06/05 Joshua D. Mello
12/28/05 Massachusetts Water Resources Authority



Massachusetts Bay Transportation Authority

Mitt Romney
Governor

Kerry Healey
Lt. Governor

John Cogliano
Secretary and MBTA Chairman

Daniel A. Grabauskas
General Manager

RB

May 18, 2005

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MAY 20 2005

MEPA

Ellen Roy Herzfelder, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street, 9th Floor
Boston, MA 02114

Attn: Mr. Deerin Babb-Brott, Acting MEPA Director

Re: EOE #12565

Notice of Filing a Notice of Project Change to Modify the Special Review Procedure

Dear Secretary Herzfelder:

I am writing in regard to the Circumferential Transportation Improvements in the Urban Ring Corridor Project ("Urban Ring Project"). The Urban Ring Project has been assigned EOE #12565 by the MEPA Unit.

It is our desire to have a coordinated review of the Urban Ring Project under the Massachusetts Environmental Policy Act (MEPA) and the National Environmental Policy Act (NEPA). This is best accomplished by filing a Notice of Project Change (NPC) to modify the Special Review Procedure established in the Certificate issued on November 9, 2001 for the Urban Ring Project. To achieve this outcome, the MBTA plans to file a NPC by September 1, 2005. I would request that we be allowed to file the NPC using a letter format rather than the standard form required by the MEPA Unit. We believe that the standard NPC form is not applicable to our planned filing.

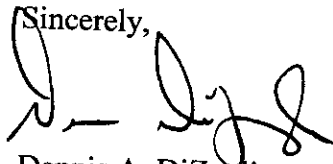
We plan to seek the following modifications to the Special Review Procedure. First, we would re-link the documentation required for review under MEPA and NEPA. We are currently seeking the guidance of the Federal Transit Administration in the development of the Draft Environmental Impact Statement (EIS) for Phase 2 to comply with the requirements of NEPA. We would combine the Draft EIS with a Revised Draft Environmental Impact Report (EIR) in a joint document, which would respond to the comments received during the Draft EIR public review period. Second, we would propose new filing dates for both the Draft EIS/Revised Draft EIR and the Final EIS/EIR for Phase 2 and the Draft EIS/EIR for Phase 3. Due to fiscal constraints and our desire to re-align the MEPA and NEPA processes, we will need to change the filing dates for these documents. Finally, we would propose changes to the membership of the Citizens Advisory Committee (CAC). In order to move this project forward, we believe now is

Massachusetts Bay Transportation Authority, Ten Park Plaza, Boston, MA 02116-3974

the time to recommend changes to the CAC. These changes would allow us to open up the CAC to several neighborhood organizations, major institutions, and advocacy groups that have expressed interest in this process. Further, it would afford us an opportunity to check-in with some of the current members of the CAC and determine their interest in continuing or appointing a different person from their organization/municipality to serve on the CAC.

Additionally, I would request that the Certificate on the Draft Environmental Impact Report (EIR), filed on November 30, 2004, be issued on May 20, 2005,

Thanks for the considerations given to my requests. If you have any questions or concerns, please do not hesitate to contact Peter Calcaterra, the Project Manager for the Urban Ring Project, at 617.222.3366 or me at 617.222.4292.

Sincerely,


Dennis A. DiZoglio
Assistant General Manager for
Planning, Real Estate and Environmental Affairs

cc: A.D. Brennan (MBTA)
P.C. Calcaterra (MBTA)
S. Darling, III (MBTA)
D. Babb-Brott (MEPA)
R. Bourre (MEPA)
M. Valley-Bartlett (EOT)
J. Doyle (EarthTech)
J. Freeman (EarthTech)
R. Duffy (CAC)